

74



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/191,132	11/13/1998	WALID AHMED	3-39-39-6-13	8292
7590 06/18/2004			EXAMINER	
WILLIAM E. LEWIS RYAN, MASON & LEWIS 90 FOREST AVENUE LOCUST VALLEY, NY 11560			HOM, SHICK C	
			ART UNIT	PAPER NUMBER
			2666	22

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/191,132

Applicant(s)

AHMED ET AL.

Examiner

Shick C Hom

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/5/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-6,8-11,15 and 19 is/are allowed.
- 6) ☒ Claim(s) 12-14 and 16-18 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 2666

DETAILED ACTION

Response to Arguments

1. In view of the supplemental appeal brief filed on 3/5/04, PROSECUTION IS HEREBY REOPENED for the reasons set forth below.

2. To avoid abandonment of the application, appellant must exercise one of the following two options:

- a. file a replay under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- b. request reinstatement of the appeal.

3. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

4. Applicant's arguments with respect to claims 1, 3-6, and 8-20 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2666

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 12-13, and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Huang et al. (6,041,358).

Regarding claim 12:

Huang et al. disclose the method for use in a network node of a packet-based multiaccess communications system, the communications system including a plurality of mobile user stations (see col. 5 lines 40-60 which recite the base station BSs nodes providing packet communication for mobile terminal nodes MTs where the BSs correspond to the network node and the MTs correspond to the mobile user stations), comprising the steps of: assigning an address to the network node the address being a combination of an identifier of the network node and an identifier of an interface associated with the network node (see col. 12 lines 19-42 which recite transmitting frame to the base

Art Unit: 2666

station BS using the corresponding ATM address and the virtual channel connection VCC and col. 12 line 59 to col. 13 line 13 which recite using the ATM address and the VCC identifier to address the BS where the VCC identifier corresponds to the identifier of an interface associated with the BS); and transferring packets to and from the network node in accordance with the address, such that the network node is able to move within the communications system in addition to the plurality of mobile user stations (see col. 4 line 60 to col. 5 line 34 which recite the hosts, i.e. BS, being able to move from location to location).

Regarding claim 13:

Huang et al. disclose wherein the interface identifier is a data link address (see col. 9 lines 53-63 which recite the data link layer address).

Regarding claim 16:

Huang et al. disclose the apparatus in a packet-based multiaccess communications system, the communications system including a plurality of mobile user stations (see col. 5 lines 40-60 which recite packet communication for mobile terminal nodes MTs where the MTs correspond to the mobile user stations), comprising: a network node configured to respond to an address assigned to the network node (see col. 6 lines 42-49 which

Art Unit: 2666

recite the original base station and new base station which correspond to a plurality of network nodes and col. 12 lines 19-42 which recite transmitting frame to the base station BS using the corresponding ATM address and in response the BS transmits the frame to the mobile terminal MT clearly reads on the network node responding, i.e. transmitting frame, to the address assigned to the network node), the address being a combination of an identifier of the network node and an identifier of an interface associated with the network node (see col. 9 lines 53-63 which recite packet issued to the new BS includes the data-link layer address clearly reads on the address being a combination of identifier of the network node and identifier of the associated interface, i.e. the data-link layer address) such that packets are transferred to and from the network node in accordance with the address, and the network node is able to move within the communications system in addition to the plurality of mobile user stations (see col. 4 line 60 to col. 5 line 34 which recite the hosts, i.e. BS, being able to move from location to location).

Regarding claim 17:

Huang et al. disclose wherein the interface identifier is a data link address (see col. 9 lines 53-63 which recite the data link layer address).

Art Unit: 2666

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al. (6,041,358) as applied to

Art Unit: 2666

claims 12 and 16 above, and further in view of Forslow (6,608,832).

Regarding claims 14 and 18:

For claims 14 and 18, Huang et al. disclose the method and apparatus described in paragraph 6 of this office action. Huang et al. disclose all the subject matter of the claimed invention with the exception of wherein the address of the network node further includes an application flow identifier as recited in claims 14 and 18.

Forslow from the same or similar fields of endeavor teach that it is known to provide the address of the network node further includes an application flow identifier (see col. 7 lines 13-52 which recite the mobile station identification, address, the common network address, the multiple associated application flows, and col. 12 lines 35-55 which recite the corresponding application flow identifier). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide the address of the network node further includes an application flow identifier as taught by Forslow in the method and apparatus of Huang et al. The application flow identifier can be implemented by providing it in the address of the base station, i.e. network node, of Huang et al. The motivation for providing the address of the network node with the application flow identifier as taught by Forslow in the method and apparatus of Huang et al. being that

Art Unit: 2666

it provides the added feature of being able to specify and provide a certain particular communications service with a requested quality using the application flow identifier in the packet-based multi-access communications system of Huang et al.

Allowable Subject Matter

10. Claims 1, 3-6, 8-11, 15 and 19 are allowed.

11. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lim discloses a radio packet data terminal and method of determining internet interworking protocol address.

Gollnick et al. disclose network supporting roaming, sleeping terminals.

Ise et al. disclose a communication resource management method and node device using priority control and admission control.

Art Unit: 2666

13. Any response to this nonfinal action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington. VA., Sixth
Floor (2600 Receptionist at (703) 305-4750).

Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Shick Hom
whose telephone number is (703) 305-4742. The examiner's
regular work schedule is Monday to Friday from 8:00 am to 5:30
pm EST and out of office on alternate Friday.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Seema Rao, can be
reached at (703) 308-5463.

Any inquiry of a general nature or relating to the status
of this application or proceeding should be directed to the

Application/Control Number: 09/191,132

Page 10

Art Unit: 2666

Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Seema S. Rao
SEEMA S. RAO 6/14/04
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

SH SH

June 7, 2004